

EXHIBIT A

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COPY

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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IN RE: Chapter 11
Case No. 01-01139(JFK)
W.R. GRACE & CO., ET AL.,
Debtors.
-----x

DEPOSITION OF FRANCO SEIF
New York, New York
Monday, March 26, 2007

Reported by:
AYDIL M. TORRES
JOB NO. 1-524

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March 26, 2007

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11:15 a.m.

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Deposition of FRANCO SEIF,

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held at the offices of Hahn &

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Hessen, LLP, 488 Madison Avenue,

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New York, New York, pursuant to

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Notice, before AYDIL M. TORRES, a

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Notary Public of the State of

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New York.

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A P P E A R A N C E S :

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BY: STEVEN J. MANDELSBERG, ESQ.

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BY: TRACI S. REA, ESQ.

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1 Franco Seif

2 A. It should.

3 Q. You state then on the next page
4 "that this particular material had been
5 painted with several layers of paint." It's
6 the second paragraph. And then you say that
7 "this was confirmed by maintenance personnel
8 in the building who stated that the ceiling
9 surface is painted on a regular basis."

10 Do you know how often this ceiling
11 was painted?

12 A. No.

13 Q. Did the maintenance personnel tell
14 you how long that material had been on the
15 ceiling?

16 A. No.

17 Q. Did they tell you that they knew
18 that there was asbestos in that material?

19 A. I do not recall if they told me.

20 Q. And down towards the end of that
21 page, in Section 3.2, the very last
22 paragraph, second sentence, you state that,
23 "The air movement will most likely cause
24 erosion of the applied fireproofing material
25 and thus carry asbestos fibers into the

1 Franco Seif

2 occupied space of the building."

3 When in the life of the building
4 would that occur?

5 A. Is this for the next building?

6 Q. Yes, for the Ventura County, and
7 the language, as you know, is in several of
8 the different buildings, but just as a
9 general matter, this idea, this concept of
10 air movement causing erosion, in your view,
11 when would that happen in the life of a
12 building?

13 A. Any time and every time the HVA
14 system is running there is that likelihood
15 that there is air erosion.

16 Q. Would you expect HVA system to
17 start running around the time that the
18 building construction has been completed?

19 A. Definitely before it is occupied.

20 Q. Which normally would be within the
21 first year after construction, would you say?

22 A. Maybe.

23 Q. Okay.

24 When did you first understand this
25 to be the case?

1 Franco Seif

2 MR. MANDELSBERG: Objection.

3 Q. I apologize. That is a poorly
4 worded question.

5 When did you develop the opinion
6 that air movement could cause erosion to the
7 applied fireproofing material?

8 A. From the time I developed some
9 logic about air erosion. It doesn't have to
10 -- the speed of air causes erosion on any
11 material.

12 Q. Would you say that's an opinion
13 that you've held for the past almost 20
14 years?

15 A. Yes.

16 Q. Have you advised building owners
17 over the past twenty years of this opinion?

18 A. Yes.

19 Q. And if you wanted to know whether
20 that air movement had actually eroded
21 materials, would you take air samples?

22 A. Well, taking air samples have to be
23 a part of taking air samples. I'm not sure
24 if I'm being clear or not because if I take
25 an air sample today in this room, as part of

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2 time, any moment could be when nobody has
3 taken air samples, you know, then it becomes
4 an issue.

5 Q. Okay, and my question was a little
6 bit different.

7 I just want to know, if you wanted
8 to test the theory that air movement from the
9 HVAC was causing erosion to the fireproofing,
10 would one of the ways to test that be through
11 air sampling, generally?

12 A. Not necessarily.

13 Q. How would you test that theory?

14 A. The theory is tested -- the theory
15 exists based on physics, not based on air
16 tests. If there is air moving around
17 material, especially if the material is
18 friable, then that air will begin to erode
19 that material and carries with it whatever
20 that material contains, whether it's silica
21 or whether it's asbestos fibers, or whether
22 it's any other cellulose-based fibers, the
23 air erodes at the material. It is based on
24 physics.

25 Q. Okay.

1 Franco Seif

2 and the fireproofing actually causes erosion
3 of the applied fireproofing material and
4 carries asbestos fiber into the occupied
5 space?

6 A. Any studies?

7 Q. Uh-huh.

8 A. I'm not aware of any studies.

9 Q. If we can move to the next page,
10 it's 3.3. We're now on Office Building
11 Number 8 on Page 5 of your report.

12 It says in the very first paragraph
13 that this was an 18-story structural steel
14 building that was vacant.

15 Do you know why the building was
16 vacant?

17 A. Yes.

18 Q. Why?

19 A. Because they were removing all the
20 fireproofing from the building.

21 Q. How long had the building been
22 vacant?

23 A. I'm not aware.

24 Q. In the fourth paragraph there you
25 talk again about the HVAC system, and then

1 Franco Seif

2 the fourth sentence down you say, "Vibration
3 could be caused by several factors, such as
4 moving furniture or heavy office equipment
5 and that this may exacerbate the exposure to
6 asbestos in the occupied space."

7 A. Yes.

8 Q. When in the life of the building
9 would vibrations start to occur?

10 A. At the time people begin to walk on
11 the floor above that -- above where the
12 surface is applied.

13 Q. So that would be as soon as the
14 building is occupied?

15 A. Yes.

16 Q. This opinion that vibration can
17 exacerbate exposure, have you held that
18 opinion over the course of the last twenty
19 years?

20 A. Yes, both of these, the vibration
21 and the air erosion are also taken from the
22 EPA standards.

23 Q. Have you advised building owners
24 about this vibration issue over the past
25 twenty years?

1 Franco Seif

2 A. Yes.

3 Q. Have you seen any scientific
4 studies that establish that vibrations causes
5 exacerbation of exposure to the occupied
6 areas of asbestos fibers?

7 A. I haven't seen scientific studies.
8 I have seen evidence.

9 Q. You have seen no formal studies,
10 though, that would establish it?

11 A. No, I have not.

12 Q. In the next paragraph, the very
13 first sentence says, "The presence of friable
14 fireproofing material and the evidence of
15 fireproofing debris that settled on the
16 ceiling tile indicates that the potential of
17 exposure to asbestos is high for maintenance
18 personnel when conducting activities above
19 the suspended ceiling."

20 My first question for you is, is
21 the debris that you're talking about there,
22 did you test the asbestos content of that
23 debris?

24 A. I'm sorry. Could you -- I didn't
25 see where --